

# Town Council Meeting: 12 December 2011



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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## MINUTES

**Call to Order:** Mayor Keller called the meeting to order at 7:30 PM. Present were Councilmembers Irons, Mandel, Petito, Schulp, and Wegner. Also present was Administrator Pratt, Margaret Soltan of the *Bugle*, and a number of Town residents.

**Approval of Agenda:** The Agenda was approved as posted without objection.

### **Presentations by Residents:**

- Resident Liz King spoke about the proposed revised MARC train schedule, noting that many residents are concerned about the proposed curtailment of stops in Garrett Park. She was especially concerned that the inevitable decline in ridership from Garrett Park as a result of these cancellations could lead to possible closing of the station; she urged that the Council write a letter and attend one of the meetings in an effort to preserve the existing level of service. There was extended discussion, that concluded with the suggestion that someone who is a regular rider try to assemble a list of users who might be affected so that concerted action could be taken.
- Charlie Snyder, Chair of the Archives Committee, addressed the Council regarding engaging a part-time, temporary archivist to work with the committee on a contract basis over the next 6-9 months. Mr. Snyder noted that the Committee, along with student interns and volunteers, has accomplished a great deal, but professional support is needed. Councilmember Mandel spoke in support of the proposal. Mayor Keller noted the current budget has adequate funding for this proposal without the need for Council action, but also noted unanimous Council support for the initiative of the Committee.

### **Mayor's Report:**

- Mayor Keller asked the Council if it would support a letter regarding the proposed changes in the MARC schedule for Garrett Park, as well as a formal presentation at the public meeting on the matter in Kensington on January 5<sup>th</sup>. Council members expressed unanimous support. Resident Brian Mizoguchi spoke about the impact of the proposed changes, particularly the lack of trains leaving Union Station between 5:40 and 7:15

p.m. The Mayor asked Councilmembers Mandel and Schulp, and residents Liz King and Brian Mizoguchi, to form an *ad hoc* task force to work on the Town's response, and to report back by email.

- The Mayor reported that the paving was completed at the Community Center, having been provided by Montgomery County Schools at no expense to the Town, and that Town staff will paint the necessary markings as soon as practical. Nursery School plans to move back into the renovated building in early January, with classes resuming there on January 14<sup>th</sup>.
- Mayor Keller asked that Councilmembers Mandel and Schulp resume efforts to explore establishing a railroad quiet zone in Garrett Park, noting that both Councilmembers had previously researched this issue and been involved in prior meetings on the subject. Councilmember Mandel reported that there is an active effort regarding a quiet zone being undertaken by Randolph Hills residents.
- Mayor Keller reported on the fire at 4411 Cambria Avenue that largely destroyed the Peacock's home, noting that he has discussed the issue briefly with the fire department and will follow up. Mayor Keller remarked on the generous response of the Peacock's neighbors and other Town residents in providing assistance of all sorts to the now-homeless family.

**Councilmember's Reports on Areas of Responsibility:**

- Councilmember Wegner briefed the Council on a meeting with Pepco regarding the bundling of the overhead wires along Strathmore Avenue, reporting that Mayor Keller, resident Dick Pratt, and Town consulting arborist Phil Normandy had accompanied him, walking along Strathmore Avenue with Pepco representatives. Pepco has agreed to finish bundling intermediate lines along Strathmore as well as other Pepco wires within Town, at no cost to the Town, some time in 2012. Pepco will additionally provide estimates to relocate the pole in the Rokeby Avenue parking lot and to bundle the high-tension lines along Strathmore.
- Councilmember Wegner also briefed the Council on the meeting he and Mayor Keller had with a large number of representatives from the State Highway Administration (SHA). Subjects discussed were: 1) the degradation of the Keswick and Kenilworth brick crosswalks - SHA agrees that they need to be replaced and are planning to use concrete formed to simulate brick; Council members and residents were urged to look at the crosswalk on Metropolitan Avenue near Mizell Lumber to see what the treatment looks like; 2) the continued failure of the crosswalk lighting system at the Keswick crosswalk - SHA agrees that the test of this system has been a failure, and will consider installation of curb-side lights; 3) problems with Strathmore sidewalk repairs, especially after utility cuts - SHA pointed out that the Town owns the sidewalks, but that they would

supply specifications the Town could use to ensure proper repair after any utility cuts; 4) discussed the problems with the short-term patches of Strathmore between Montrose and Clermont Avenues; and 5) SHA agreed to provide the Town with a single person as point of contact for any issues that arose regarding Strathmore and Knowles Avenues. Additionally, SHA brought to our attention planned repairs and repaving of Strathmore and Knowles Avenues, east and west of Town, particularly in areas where the gutters had broken down, and expected the work to be completed in the next 6-8 months. Councilmember Wegner noted that it had been a very productive meeting.

- Councilmember Petito reported that the Parks and Open Space Committee (POSCO) planned to sponsor a charrette for Cambria Courts to help develop the design for a grant application to the state. The date is Saturday, January 28<sup>th</sup>, 10:30 am – 12:15 pm, at Town Hall; all Town residents are encouraged to participate. Councilmember Petito also reported that POSCO is working on setting up a Wells Park cleanup day. Resident Barbara Jackson raised the issue of non-resident use of Town parks and questioned the advisability of taking state money for park improvements.

#### **Approval of Minutes:**

- Councilmember Wegner **MOVED**

That the minutes of the 11/14/2011 Regular Council Meeting be approved as circulated. The motion was seconded by Councilmember Petito, and was **PASSED** unanimously.

#### **Action/Discussion:**

- Capital Projects Update – Mayor Keller updated the Council on ongoing capital projects, noting that work on curbs and gutters was expected to continue along Argyle Avenue this week, and that bids for the repair of the North Kenilworth and Shelley Court storm drains are due on Thursday, December 15<sup>th</sup> at 3:00 PM.
- Land Use Ordinance Amendments (Introduction of Ordinance 2011-05) – Councilmember Irons reviewed the work developing proposals for amending the Town's building code (Chapter 4 of the Garrett Park Code), as well as the Garrett Park Overlay Zone in the Montgomery County Zoning Ordinance (Section 59-C-18.11, 1), noting that the Council had held two work sessions since its September meeting, one with the Setback Advisory Committee (SAC), focusing on the recommendations of the Town's Land Use Task Force. Councilmember Irons further noted that she and Mayor Keller have been working with Town Attorney David Podolsky regarding four possible amendments: 1) restating the requirements for Town side and rear setbacks to align the language with the Overlay Zone; 2) establishing exemptions for projections into setbacks in the Town Code that comport with those in the County Zoning Ordinance; 3) to add Floor-Area Ratio (FAR) language in the Town Code so that it is the same as in the

Overlay Zone; and 4) to insure consistency of language and definitions used in the Garrett Park Code and the Overlay Zone. Councilmember Irons pointed out that implementing these changes would also require a number of technical changes throughout Chapter 4 to properly accommodate these changes and ensure effective legislation. Councilmember Irons noted that the common element to the proposed Ordinance 2011-05 amendments is that they require changes only to the Garrett Park Code and not the Montgomery County Overlay Zone.

Procedure for consideration and adoption: Councilmember Irons explained that to comply with the provisions of both the Garrett Park Charter and Maryland law, the Town will need to provide at least 30 days notice to the County Council to allow for its review and comment, and the Town Council is required to hold a formal public hearing prior to adoption of Ordinance 2011-05, so that the schedule for consideration and adoption of the ordinance will be as follows: 1) the Council introduces the ordinance tonight, posts the ordinance on the Town website and the Penn Place bulletin board, and informs the County Council of its intention to amend Chapter 4; 2) at its regular January meeting the Council will hold a public discussion on the proposal and will vote to defer consideration of adoption of the ordinance to the February meeting; 3) if necessary, the Council will hold a work session in late January for further public discussion; and 4) at its regular February meeting the Council will hold a formal public hearing and then vote on the adoption of the ordinance.

Councilmember Irons pointed out that the remaining recommendations are more complex because they involve changes to not only the Town Code but also the County Overlay Zone, and thus will require working with the County Planning Board. Mayor Keller discussed the final draft of the ordinance for introduction, circulated a printed copy to the Council, noting a few minor changes in the draft, and asked for motion to introduce Ordinance 2011-05, as circulated with minor edits (attached to these minutes).

Councilmember Wegner **MOVED**

That Ordinance 2011-05 be introduced as circulated with corrections. Councilmember Irons seconded the motion, and there was discussion regarding points to be raised at the January meeting. Mayor Keller then called for the vote, and the motion was **PASSED** unanimously.

- Acting Mayor – Councilmember Mandel agreed to serve as Acting Mayor December 15-18.

#### **Town Administrator Report:**

- Monthly Financial Report – Administrator Pratt reviewed the monthly financial report with the Council.
- Permits Report – Administrator Pratt reviewed the building permits report with the Council.

**Adjournment:** the meeting adjourned at 9:25 PM.

Respectfully Submitted

[TOWN SEAL]

*Edwin Pratt, Jr.*

Edwin Pratt, Jr., Clerk-Treasurer

**Ordinance 2011-05**

Ordinance No.: 2011-05

Introduced: 12/12/2011

To Be Adopted: 03/12/2012

Effective Date: 04/02/2012

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Garrett Park, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 78-17 of the Charter of the Town of Garrett Park authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, Section 78-17(55) of the Charter of the Town of Garrett Park empowers the Town Council to regulate or restrict size of buildings and other structures, the percentage of lot occupancy, the size of yards, courts and other open spaces, location of buildings, structures, and land for residence or other purposes; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code grants to municipal corporations in the Regional District in Montgomery County, such as the Town of Garrett Park, the authority to regulate, among other elements, the construction, repair, erection or remodeling of single family residential houses, buildings or other structures on land zoned for single family residential use, as it relates to, among other things, the location of structures on a property, including setback requirements, the dimensions of structures, including height, bulk, massing and design, and lot coverage, including impervious surfaces; and

WHEREAS, the Town Council established a Land Use Task Force to comprehensively review the Town's zoning regulations and to make

recommendations for proposed amendments of Chapter 4 of the Town Code; and

WHEREAS, the Land Use Task Force conducted several public meetings to receive input from the public and to develop recommendations to the Town Council; and

WHEREAS, the Land Use Task Force issued a report and recommendations dated July 12, 2010; and

WHEREAS, the Town Council finds that implementing some of the Land Use Task Force's recommendations would promote the public health, safety and welfare; and

WHEREAS, the Town Council finds that the public health, safety and welfare would be promoted if the provisions of the Town Code are more consistent with the provisions of the Garrett Park Overlay Zone as set forth in Chapter 59 of the Montgomery County Code; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on the 13th day of December, 2011, a copy of the following Ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, no comments were received from the Montgomery County Council; and

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council, in public session assembled on the \_\_\_ day of \_\_\_\_\_, 2012, conducted a public hearing at which it considered the following Ordinance; and

WHEREAS, the Town Council finds that amendment of Chapter 4 of the Town Code as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and visitors in the Town.

NOW, THEREFORE, the Town Council of the Town of Garrett Park does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND SECTIONS 402 AND 403 OF THE GARRETT PARK TOWN CODE TO CLARIFY THE PURPOSES OF SECTION 402 OF THE TOWN CODE; TO ALLOW CERTAIN EXCEPTIONS FOR PROJECTIONS; TO AMEND CERTAIN SET

BACK REQUIREMENTS; TO ADD A FLOOR AREA RATIO  
RESTRICTION TO SECTION 402; AND TO UPDATE THE  
PROVISIONS OF SECTION 403

SECTION 1. BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2012, by the Town Council of the Town of Garrett Park, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code, Article 28, Section 8-115.1 of the Maryland Code, and the Town Charter, that Chapter 4 of the Town Code is hereby amended to read as follows:

Section 402. Building Setback Lines, ~~[and]~~ Lot Coverage and Floor  
Area Ratio

(a) Purpose.

(1) To protect the public health, safety and welfare of the Citizens of Garrett Park and, more specifically, to:  
~~[preserve and protect the lands and improvements within the Town by ensuring that all proposed new construction and alterations to buildings in the Town be compatible with the Town's existing scale, natural topography, vegetation, trees, physical setting, and density of development.]~~

**(1.1) Preserve the unique park-like setting of the 19<sup>th</sup> century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.**

**(1.2) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.**

**(1.3) Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.**

(2) To establish stricter or additional building **height, bulk, massing, design**, location, setback and lot coverage requirements than those of the current Montgomery County Zoning Ordinance for the construction, repair, erection, or remodeling of houses, buildings, or other structures on land zoned for single-family residential use.



(3) To provide a procedure for a variance from the strict application of the building requirements contained in this section.

**(b) Application and Interpretation. As provided in Article 28 of the Maryland Code, the Montgomery County Zoning Ordinance applies to all property in Garrett Park. In addition, all buildings on land zoned for single-family residential use shall comply with the requirements of this Chapter 4 in effect at the time of the issuance of a Town building permit. If a term used in this Chapter is not defined herein, but is defined in the Montgomery County Zoning Ordinance, it shall have the meaning ascribed to it in the Montgomery County Zoning Ordinance.**

~~(b)~~ **(c) Setback, ~~[and]~~ Lot Coverage and Floor area Ratio Requirements.** All buildings on land zoned for single-family residential use hereafter erected or altered shall adhere ~~[(except as provided in Section 403(d)) to the setback and lot coverage requirements of the Montgomery County Zoning Ordinance and definitions in effect at the time of the application for a building permit, and]~~ to the **[additional] setback, ~~[and]~~ lot coverage and floor area ratio** requirements set forth below:

(1) Setback from street. No main building or new construction shall be nearer to any street right-of-way than thirty (30) feet.

Additionally,

(1.1) If any adjacent lot is occupied by a main building with a front yard setback greater than this requirement, no main building hereafter erected or any addition to an existing main building shall project beyond the line previously established by the main buildings on the adjacent lots; or

(1.2) If only one adjacent lot is occupied by a main building with a front yard setback greater than this requirement, no main building hereafter erected or any addition to an existing main building shall project beyond a line established by the average of the front yard setback of the adjacent main building and thirty (30) feet.

(1.3) Notwithstanding the above, open porches added to structures existing as of ~~the effective date of this ordinance~~ **February 15, 2000** may extend up to eight (8) feet beyond the established or required front setback line.

(1.4) For the purposes of Section 402~~[(b)]~~ **(c)(1)(1.1)** and 402~~[(b)]~~ **(c)(1)(1.2)** of the Garrett Park Town Code, if the main building on an adjacent lot is set back by greater than 90 (ninety) feet, it shall be considered to be set back by 90 (ninety) feet.

(2) Setback from adjoining lot. No main building on land zoned for single-family residential use shall be nearer to any property line than the following:

(2.1) Sides: ~~Each side setback shall be a minimum of ten (10) feet and the total of the two side setbacks shall be a minimum of forty (40) per cent of the lot width at the front of the main building line.]~~

**(a) One side: 10 feet;**

**(b) Sum of both sides:**

**(i) 25 feet for lots with over 60 feet in width at the building line;**

**(ii) 20 feet for lots with 60 feet or less in width at the building line.**

(2.2) Rear: ~~The rear setback, from the rear main building line to the rear of the lot, shall be forty (40) feet for a lot one hundred (100) feet in depth, decreased for lots of smaller depth and increased for lots of greater depth by seventy (70) per cent of the difference between the lot's average depth and one hundred (100) feet.]~~

**(a) 25 feet for lots over 90 feet in depth;**

**(b) 15 feet for lots 90 feet or less in depth.**

(3) Maximum lot coverage. The maximum percentage of the net lot area that may be covered by a main building is eighteen (18) per cent.

**~~[(4) Adjustments of setback and lot coverage requirements.]~~**

**~~(4.1) Where applicable, either of the following adjustments may be made in the required setback:~~**

**~~(4.1.1) If the total side setback requirement is more than twenty-five (25) feet for lots with over sixty (60) feet in width at the main front building line or twenty (20) feet for lots with sixty (60) feet or less in width at the main front building line, it may be reduced to not less than twenty-five (25) feet for lots with over sixty (60) feet in width at the main front building line or twenty (20) feet for lots with sixty (60) feet or less in width at the main front building line provided the resulting reduction in side yard areas is offset by an equivalent increase in the square footage of the rear and/or the front yard areas.~~**

**~~(4.1.2) If the rear setback requirement is more than twenty-five (25) feet for lots with over ninety (90) feet in depth or more than fifteen (15) feet for lots with ninety (90) feet or less in depth, it may be reduced to not less than twenty-five (25) feet for lots with over ninety (90) feet in depth or fifteen (15) feet for lots with ninety (90) feet or less in depth provided the resulting reduction in rear yard area is offset by an equivalent increase in the square footage of the side and/or the front yard areas.~~**

**~~(4.2) Building setback lines and lot coverage requirements shall be subject to adjustment under Section 403 (Variances) of this Code of Ordinances to the extent necessary to assure that a reasonable net lot area is available for the construction of any additions to the main and accessory buildings.]~~**

**(4) Floor Area Ratio. The maximum floor area ratio for main plus accessory buildings is .375.**

**(d) Notwithstanding the foregoing, the following exemptions for projections shall apply to the requirements of this Section 402.**

**(1) Open steps and stoops, exterior stairways and terraces may extend into any minimum front or rear yard not more than 9 feet.**

**(2) For side yards, open steps, stoops, exterior stairways, terraces, and porches may extend into any minimum side yard not more than 3 feet.**

**(3) Steps, stoops, exterior stairways and terraces that extend into the minimum required yards may be roofed but must not be enclosed. Any roof covering steps, stoops, exterior stairways, and terraces may extend not more than 3 feet into the minimum required yard.**

**(4) Any bay window, oriel, entrance, vestibule or balcony, 10 feet or less in width, may project not more than 3 feet into any minimum front or rear yard.**

**(5) Cornices and eaves may project 2 ½ feet or less over any yard, but such projection shall be not less than 2 feet from the vertical plane of any lot line.**

**(6) Sills, leaders, belt courses, and similar ornamental features may project not more than 6 inches over any yard.**

**(7) Fire escapes may project not more than 5 feet over any minimum yard.**

**(8) Outside stairways may project not more than 5 feet over a minimum rear yard only.**

**(9) Chimneys may project not more than 24 inches into any minimum front, rear, or side yard.**

**(10) Chimneys used as walls shall not be allowed to project into any minimum yard.**

**(11) Air conditioners and heat pumps may project not more than 5 feet into any minimum front or rear yard. Additional projection shall be permitted for the purpose of adding noise abatement devices. Any air conditioners or heat pumps existing within any minimum side yard prior to \_\_\_\_\_, may be continued and replaced.**

\* \* \*

#### Section 403. Variances

(a) Purpose. It is the purpose of this Section to provide a procedure for a variance

from the strict application of these building requirements in specific cases where the unusual dimensions, shape, topography, or other exceptional characteristics of a particular lot are such that the strict and literal enforcement of the Chapter would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship on, the owner of the property.

#### (b) Procedure

(1) Application. An application for a variance shall be made to the Council on a form provided by the Council, shall be accompanied by such plans, drawings, photographs and other documents as may be required by the Council and shall set forth the Section of this Chapter under which the building permit was denied, the basis for the claim of need for relief and the nature and extent of the relief sought.

(2) Public Hearing. On each application for a variance a public hearing shall be held and a written opinion made public.

#### (c) Conditions upon which relief may be predicated

(1) No variance shall be granted unless the Council finds, on the basis of the evidence of record that good cause has been shown on the following grounds for relief from the strict application of the building requirements.

(1.1) Because of the unusual dimensions, shape, topography or other exceptional characteristics of the lot, the lot cannot accommodate the building sought to be erected if the **[setback or lot coverage]** requirements of Section 402 are strictly applied to the construction and the strict and literal application of Section 402 to the lot would result in peculiar or unusual practical difficulties to, or

exceptional or undue hardship on, the owner of the property.

(1.1.1) The following conditions do not constitute hardship or difficulty as those terms are used herein:

1. Alleged violations of this Chapter by others;
2. The existence of nearby non-conforming uses;
3. The granting of a waiver or variance on other lots;
4. Any condition that results from the actions of the applicant; or
5. The existence of a building constructed in violation of this ~~[Section]~~ **Chapter**.

(1.1.2) If the alteration of the dwelling is required mainly as an aid to a disable resident and no other reasonable feasible alternative is available, then the practical difficulties standard of Section 403(c)(1.1) above shall be deemed to have been met.

(1.1.3) If the building(s) sought to be erected cover more than eighteen (18) per cent of the net lot area and if the net lot area is equal to or less than 8,600 square feet then the exceptional characteristics standard of Section 403(c)(1.1) above shall be deemed to have been met.

(1.2) When considering an application for a variance, the Council must consider these criteria:

~~(1.2.1) the proposed new construction including existing structures and accessory buildings shall not exceed a floor area ratio (the ratio of floor area to lot area) of 0.375; and~~

**(1.2.1)** The net lot area to be covered by buildings, including accessory buildings, shall not exceed twenty (20) percent of the net lot area, unless the lot area is equal to or less than 8,600 square feet. If the lot area is equal to or less than 8,600 square feet, then the net lot area to be covered by buildings, including accessory buildings, shall not exceed 1,720 square feet or 25 per cent of the net lot area, whichever is less. Net lot area is defined as the total

horizontal area included within the rear, side and front lot lines; and

**(1.2.2)] whether [A]** approval of the application for relief will be in harmony with the general purposes of this **[Ordinance] Chapter** and will not be contrary to the public interest.

(2) Specific Conditions. In granting a variance, the Council shall permit the least departure from the requirements of this Chapter that will give relief to the applicant. The Council may attach such conditions to the grant of variance, as it considers necessary to accomplish the intent of Sections 402 and 403 of this Code.

(d) Exemptions

(1) Existing Buildings. An existing building which was lawful when established, but which no longer conforms to the requirements of this Chapter because of the amendment of this Chapter, may continue as built and may be replaced or repaired, but may not be expanded, except to the extent that such expansion meets the requirements of this Chapter.

(2) Existing Building Permits. Construction for which a building permit was granted both by Montgomery County and by the Town before **[May 2, 1994]** \_\_\_\_\_, may proceed under the regulations and conditions that prevailed when the permits were granted provided, however, that any such construction that does not comply with the provisions of this Chapter shall have begun within **[twenty-four (24) months of May 2, 1994.]** \_\_\_\_\_  
**months of \_\_\_\_\_, \_\_\_\_\_.**

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2012, by the Town Council of the Town of Garrett Park, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Town Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2012, or if a valid petition for a referendum as to this ordinance or any part hereof is filed pursuant to Section 78-15 of the Garrett Park

Charter, this ordinance shall take effect upon approval of this ordinance, without any deletions, by the voters of Garrett Park.

ATTEST:

TOWN OF GARRETT PARK

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Edwin Pratt, Jr., Clerk-Treasurer  
Town of Garrett Park

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Christopher Keller, Mayor  
Town of Garrett Park

**Bold and Underline** indicates new material

**~~Bold and Strikethrough~~** indicates material deleted

\* \* \* indicates material unchanged